<center>REMARKS</center>

Claims 1-15 and 26-50 are pending. Claims 27-50 were previously added. Claims 1 and 40-50 are amended herein. Claims 16-25 were previously withdrawn. No new matter has been added.

<center>35 U.S.C. § 101 REJECTIONS</center>

Claims 40-50 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 40-50 have been amended so as to obviate this rejection. These claims are now directed to a computer-readable storage medium, in accordance with In re Beauregard, 53 F.3d 1583, 1583-84 (Fed. Cir. 1995) (noting Patent Office's finding that "computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101"). *See also MPEP § 2106.01.*

<center>35 U.S.C. § 112 REJECTIONS</center>

Claims 1-15 and 26-50 are rejected under 35 U.S.C. § 112 ¶ 1 as failing to comply with the enablement requirement. Applicants respectfully request clarification from the Examiner on this rejection, as it appears the rejection is suggesting that every claim must be fully supported by the priority documents. If so, Applicants respectfully submit this is an improper rejection under 35 U.S.C. § 112 (*see Reiffin v. Microsoft Corp., 214 F.3d 1342, USPQ2d 1915, 1918; see also 35 U.S.C. § 120*). Accordingly, Applicants respectfully request that this rejection be withdrawn.

As regards Claims 1, 26, 40, and 48, the rejection suggests that written descriptions are not provided in the specification for "the portion of the digital content that is not encrypted being necessary and sufficient for conducting navigation operations, without decrypting the media stream represented by the digital content." Applicants respectfully disagree, and assert that adequate description is provided in the specification to allow one having ordinary skill in the art to practice the invention, including at paragraph [0018]. Accordingly, Applicants respectfully request that this rejection be withdrawn.

As regards Claims 29 and 36, the rejection suggests that written descriptions are not provided in the specification for "being relatively less secure than those steps of encrypting a portion of that digital content." Applicants respectfully disagree, and assert that adequate description is provided in the specification to allow one having ordinary skill in the art to practice the invention, including at paragraph [0019]. Accordingly, Applicants respectfully request that this rejection be withdrawn.

As regards Claim 31, the rejection suggests that written descriptions are not provided in the specification for "decrypting that encrypted portion of that digital content format; encoding that media stream into a second digital content format, those steps of encoding including those steps of encrypting a portion of that digital content and those steps of not encrypting a portion of that digital content." Applicants respectfully disagree, and assert that adequate description is provided in the specification to allow one having ordinary skill in the art to practice the invention, including at paragraph [0018].

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-15 and 26-50 are also rejected under 35 U.S.C. § 112 ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

As regards Claims 1 and 26, the rejection calls out the use of "necessary and sufficient for conducting navigation operations on." Applicants note that Claim 26 does not recite this limitation. Claim 1 has been amended to remove the term "necessary." Applicants respectfully assert that one having ordinary skill in the art would understand the limitation of "not encrypting a portion of that digital content, less than the entire digital content format representing that media stream, the portion of the digital content that is not encrypted being sufficient for conducting navigation operations on, without decrypting, the media stream represented by the digital content." The specification provides examples to help illustrate this limitation, including paragraph [0021]. Accordingly, Applicants respectfully request that this rejection be withdrawn.

As regards Claims 26 and 48, the rejection calls out the use of "in at least a partial ordering," "substantially...under that partial ordering," and "it is possible" as being ambiguous. Applicants respectfully assert that one having skill in the art would understand the usage of "partial ordering." Applicants further note that "[c]laims need only 'reasonably apprise those skilled in the art' as to their scope to satisfy the definiteness requirement. . . . In addition, the use of modifiers in the claim, like

'generally' and 'substantially,' does not by itself render the claims indefinite" (*see Energy Absorption Sys., Inc. v. Roadway Safety Servs., Inc., Civ. App. 96-1264 (Fed. Cir. July 3, 1997, unpub.), citing Hybritech v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1385, 231 USPQ 81, 94 (Fed. Cir. 1986).* Accordingly, Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. § 103(a) REJECTIONS

Claims 1-15 and 26-50 are rejected under 35 U.S.C. § 103(a) as being obvious over Johnson et al., European Pat. App. EP 0792041 A2, in view of Alve, U.S. Patent No. 6,959,090.

The Examiner is respectfully directed to independent Claim 1, which, as amended, recites that an embodiment is directed to:

> A method, including steps of
> encoding a media stream into a digital content format representing that media stream;
> encrypting a portion of that digital content, less than the entire digital content format representing that media stream, the portion of the digital content that is encrypted being required for presentation of the media stream;
> not encrypting a portion of that digital content, less than the entire digital content format representing that media stream, the portion of the digital content that is not encrypted being sufficient for conducting navigation operations on, without decrypting, the media stream represented by the digital content.

Independent Claims 26, 40, and 48 recite similar limitations. All pending dependent claims depend on one of these independent claims, and recite further features of the claimed embodiments.

The pending rejection suggests that Johnson, in combination with Alve, recites every limitation of the claimed embodiment. Applicants respectfully disagree, and contend that Johnson, alone or in combination with Alve, fails to teach or suggest not encrypting a portion of digital content, less than the entire digital content format representing that media stream, the portion of the digital content that is not encrypted being sufficient for conducting navigation operations on, without decrypting, the media stream represented by the digital content, as claimed.

The rejection notes that Johnson fails to teach or suggest not encrypting a portion of the digital content, where the unencrypted portion is sufficient for conducting navigation operations on the media stream, as claimed. Applicants respectfully agree.

The rejection suggests that Alve teaches not encrypting a portion of the digital content, where the unencrypted portion is sufficient for conducting navigation operations on the media stream, as claimed. Applicants respectfully disagree.

Applicants understand the relevant portion of Alve to describe an approach to making secured digital copies of data, where the encrypted content is linked to a particular device and cannot be played back on a different device (*see, e.g.,* Col. 1, ln. 32-65). In particular, Alve discusses encryption of MPEG-2 Transport Packets, such that the payload of the Transport Packet is encrypted, while the Transport Packet header remains unencrypted (*see* Col. 4, ln. 31-48). Alve notes that leaving Transport Packet headers unencrypted will allow for scanning the file back and forth.

Applicants respectfully assert that Alve's description of manipulation of the MPEG-2 Transport Packets does not teach or suggest conducting navigation operations on, without decrypting, the media stream represented by the digital content, as claimed. Specifically, the discussion of Alve is limited to the MPEG-2 Transport Stream. Assuming, *arguendo*, that Alve's description is sufficient to enable navigation of the *transport stream*, there is no suggestion in Alve that this method could be used to navigate the underlying media stream represented by the MPEG-2 Transport Stream. Indeed, the implementation of Alve would prevent such an action: Alve encrypts the entire payload, and only leaves the Transport Packet headers unencrypted, and the Transport Packet headers contain no information about the underlying media stream.

MPEG-2 Transport Packet headers include the following fields:

- The header starts with a well-known Synchronisation Byte (8 bits). This has the bit pattern 0x47 (0100 0111).
- A set of three flag bits are used to indicate how the payload should be processed.
- The first flag indicates a transport error.
- The second flag indicates the start of a payload (payload unit start indicator)
- The third flag indicates transport priority bit.
- The flags are followed by a 13 bit Packet Identifier (PID). This is used to uniquely identify the stream to which the packet belongs (e.g. PES packets corresponding to an ES) generated by the multiplexer. The PID allows the receiver to differentiate the stream to which each received packet belongs. Some PID values are predefined and are used to indicate various streams of control information. A packet with an unknown PID, or one with a PID which is not required by the receiver, is silently discarded. The particular PID value of 0x1FFF is reserved to indicate that the packet is a null packet (and is to be ignored by the receiver).
- The two scrambling control bits are used by conditional access procedures to encrypted the payload of some TS packets.

- Two adaption field control bits which may take four values:
    - 01 – no adaptation field, payload only
    - 10 – adaptation field only, no payload
    - 11 – adaptation field followed by payload
    - 00 - RESERVED for future use
- Finally there is a half byte Continuity Counter (4 bits)

(From http://www.vbrick.net/Topics/transport_stream.htm.) As such, the system described in Alve fails to teach or suggest a method which includes not encrypting a portion of the digital content, less than the entire digital content format representing that media stream, the portion of the digital content that is not encrypted being sufficient for conducting navigation operations on, without decrypting, the media stream represented by the digital content, as claimed.

Therefore, Applicants respectfully contend that Johnson, alone or in combination with Alve, fails to anticipate or render obvious the embodiments recited in the independent claims. Accordingly, Applicants further respectfully contend that Claims 1-15 and 26-50 overcome the basis for rejection under 35 U.S.C. § 103(a), and are in condition for allowance

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: December 29, 2008   /Kevin Brown/

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